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06 March 2007

UZB102392.E

Uzbekistan: Treatment of homosexuals by society and by government authorities; legal recourse and protection available to homosexuals who have been subject to ill-treatment (2003 - 2007)

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Homosexual activity is illegal in Uzbekistan (AI July 2006; OMCT Jan. 2006, 21; Uzbekistan 22 Sept. 1994). Article 120 of the country's criminal code punishes *Besoqolbozlik*, or "voluntary sexual intercourse of two male individuals," with up to three years' imprisonment (ibid.; see also OMCT Jan. 2006, 21; US 8 Mar. 2006, Sec. 5; AI July 2006). Sexual intercourse between two women is not mentioned in the code (Uzbekistan 22 Sept. 1994; AI July 2006; *Gay Times* n.d.).

The London-based *Gay Times* online magazine states that Uzbekistan is a "deeply homophobic" country and that the rights of gay and lesbian Uzbeks are "poorly respected" (n.d.). According to a 24 July 2003 *China Daily* article, gay Uzbek men interviewed by the newspaper indicated that homosexuals in Uzbekistan regularly experience police "harassment" and that gay establishments are "forced to close or [are] heavily monitored by police." The men further noted that homosexuals are also subject to extortion by the police, who "routinely" detain them and "threaten them with prosecution" (*China Daily* 24 July 2003).

A January 2006 World Organisation against Torture (Organisation mondiale contre la torture, OMCT) report on human rights violations in Uzbekistan states that "[a]lthough [the crime of homosexuality] has a very high level of latency, law-enforcement bodies can use the charge in some fabricated cases to humiliate the accused or to blackmail homosexuals" (21; see also *China Daily* 24 July 2003). In 2003, following a trial that Amnesty International (AI) describes as "unfair," Uzbek journalist and human rights defender Surlan Sharipov was charged with homosexuality and sexual relations with a minor and sentenced to five and half years in jail (AI 13 Aug. 2003; see also RFE/RL 9 Nov. 2004 and *China Daily* 24 July 2003). Although openly bisexual, Sharipov initially denied the charges and AI expressed concern that his confession was obtained "under duress" (13 Aug. 2003). In 2004, Sharipov was reportedly released from prison and subsequently immigrated to the United States, where he was granted asylum (RFE/RL 9 Nov. 2004).

Homosexuality is reportedly rarely discussed in public in Uzbekistan (*China Daily* 24 July 2003). A 2 May 2005 Radio Free Europe/Radio Liberty (RFE/RL) article, based on a June 2004 article posted on the Web site of the Committee for Freedom of Speech and Expression of Uzbekistan, indicates that homosexuality is one of several "forbidden" topics that journalists in Uzbekistan are discouraged from writing about (RFE/RL 2 May 2005).

According to *Gay Times*, there is "no gay scene as such" in Uzbekistan; however, in 1993, a gay rights group was established and, in 2000, a "gay community" Web site was created (n.d.). *Country Reports on Human Rights Practices for 2005* states that there are some homosexuals who have reportedly left Uzbekistan "seeking a more tolerant environment" (US 8 Mar. 2005, Sec. 5).

Information on legal recourse and protection available to homosexuals who have been subject to ill-treatment could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

References

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Additional Sources Consulted

Internet sites, including: British Broadcasting Corporation (BBC), European Country of Origin Information Network (ecoi.net), Factiva, Fédération internationale des ligues des droits de l'homme (FIDH), Freedom House, Gay.com, GlobalGayz.com, Human Rights Watch (HRW), Institute for War and Peace Reporting (IWPR), International Gay and Lesbian Association (ILGA), International Gay and Lesbian Human Rights Commission (IGLHRC), International Helsinki Federation for Human Rights, Office of the United Nations High Commissioner for Human Rights (UNHCR), SodomyLaws.org, United Kingdom Home Office, United States Department of State.

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